THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.22756 OF 2006

BETWEEN:

Smt.Chinna Kistamma wife of Venkanna

…Petitioner

vs.

The Special Deputy Collector/Land Acquisition Officer, Rajeev Gandhi Lift Irrigation Scheme Project II, Pebbair, Mahabubnagar District and others.

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.22756 OF 2006

ORAL ORDER

The writ petition is filed for a direction that the action of the 1st respondent in seeking to disburse the compensation in favour of the respondent Nos.2 to 5 for the lands acquired in Kanaipally village, Kothakota Mandal, Mahaburbangar District without referring the matter to the competent civil Court to decide the competing claims of the parties under Sec.30 and 31 of the Land Acquisition Act,1894(for short "the Act") is illegal and arbitrary and for a direction to the 1st respondent to forthwith refer the matter to the competent civil Court.

The petitioner has already filed O.S.No.17 of 2006 before the Court of Senior Civil Judge, Wanaparthy by way of a partition suit claiming 1/3rd share of the properties in question, arraying respondent Nos.2 to 9 as defendants in the suit. The said suit is pending adjudication before the said Court. The petitioner has also got issued a legal notice dated.06-10-2006 to the 1st respondent setting up a claim to be a joint owner of the land in question and asserting that the properties acquired are joint family properties and also intimating the 1st respondent as to the pendency of O.S.No.17 of 2006.

At the time of hearing, the learned counsel for the petitioner states that the petitioner is satisfied if the 1st respondent is directed to consider the petitioner's representation dated.06-10-2006 before proceeding to disburse the compensation amounts pursuant to

the award passed in respect of the lands acquired.

In the light of the oral submissions at the time of hearing, the writ petition is disposed of directing the 1st respondent to consider the objections of the petitioner including those contained in the lawyer's notice dated.06-10-2006 before disbursing the amounts in accordance with the award said to have been passed. It is always open to the 1st respondent and normally it is prudent to so, to deposit the compensation amount in the Civil Court, under Sec.31 of the Act. No order as to costs.

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GODA RAGHURAM,J

6TH NOVEMBER 2006
***TSNR**